

Article - Natural Resources

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§8–408.

(a) That segment of the Youghiogheny River between Millers Run and the southern corporate limits of Friendsville is designated a wild river.

(b) In §§ 8–408 through 8–411 of this subtitle, “scenic corridor” means the visual corridor of the Youghiogheny River in that segment of the Youghiogheny River designated as wild that:

(1) An individual can see from the river or its contiguous shorelines;
and

(2) The Secretary demonstrates by field investigation and defines by regulations.

(c) (1) By July 1, 1985 the Secretary shall:

(i) Define by field investigation the boundaries of the scenic corridor of the Youghiogheny River; and

(ii) Submit to the property owner a map indicating the proposed boundaries which affect the property owner.

(2) The Youghiogheny local Scenic and Wild River Advisory Board shall verify the field investigation that the Secretary uses to define the extent of the scenic corridor.

(d) (1) By July 1, 1985 the Secretary shall verify the boundaries of the scenic corridor of the Youghiogheny River with each property owner whose property is included in the scenic corridor:

(i) By an opportunity for an on–site review of the visual boundaries; or

(ii) If an on–site review is not possible, by constructive notice in a certified letter, return receipt requested, bearing a postmark of the United States Postal Service, that states the boundaries of the scenic corridor in a way that is easily understood.

(2) (i) The Secretary shall submit to each property owner a map indicating the proposed boundaries that affect the property owner.

(ii) If the property owner is not satisfied with the proposed boundaries shown to the property owner by the Department, within 30 days after the property owner has been shown the proposed boundaries, the property owner may request, in writing, a field survey of the boundaries.

(iii) If funding for the requested field survey is not immediately available:

1. The Department shall request funding for the field survey in the next fiscal budget; and

2. The field survey is contingent on that funding being provided.

(3) This subsection does not prevent the Secretary from proceeding to adopt regulations to define the scenic corridor under subsections (b) and (c) of this section.

(e) (1) The provisions of this subsection do not apply to any area in the scenic corridor that has been mined and is not reclaimed.

(2) A person may not mine any minerals by the strip or open pit mining method in the scenic corridor.

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